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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/622,834	07/21/2003	Scott V. Thomsen	3691-573	4771

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EXAMINER

BOLDEN, ELIZABETH A

ART UNIT PAPER NUMBER

1755

DATE MAILED: 03/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/622,834	THOMSEN ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Elizabeth A. Bolden	1755	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 30 August 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>8/30/04, 7/21/03</u> . | 6) <input type="checkbox"/> Other: _____  |

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## **DETAILED ACTION**

### ***Information Disclosure Statement***

The information disclosure statements (IDS) submitted on 21 July 2003 and 30 August 2004 has been considered by the examiner.

### ***Claim Rejections - 35 USC § 102 and 35 USC § 103***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 13-15, 17-26, and 28-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Teyssedre et al., French Patent Fr 2826649.

This rejection is over the French Patent Fr 2826649 because this reference qualifies as prior art under 35 U.S.C. 102(b). However, for convenience, the column and line numbers of the English language equivalent US Patent Application Publication U.S. 2004/0171473 A1 will be cited below.

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Teyssedre et al. teach a grey glass composition having overlapping ranges of components as recited in instant claims 13-15, 17, 19, 21, 25, 26, 28, and 30. See Abstract and paragraphs [0014], [0015], [0028], and [0029]. Teyssedre et al. teach a grey glass composition having overlapping ranges of redox ratio, transmittances for Illuminant A, ultraviolet, and total solar lights, dominant wavelength, and excitation purity as recited in instant claims 13-15, 17, 18, 20, 21-26, 28, 29, and 31. See Abstract and paragraphs [0014], [0016], and [0019].

Teyssedre et al. fails to teach any examples or compositional ranges that are sufficiently specific to anticipate the compositional and property limitations of claims 13-15, 17-26, and 28-31. However, overlapping ranges have been held to establish prima facie obviousness. See MPEP 2144.05.

One of ordinary skill in the art would expect that a glass with overlapping compositional ranges would have the same infrared transmittance and color characterization as recited in claims 13, 14, and 22-25.

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have selected from the overlapping portion of the ranges disclosed by the reference because overlapping ranges have been held to establish prima facie obviousness. See MPEP 2144.05.

Claims 1-8, 10-20, and 22-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boulos et al., US Patent Application Publication U.S. 2004/0102304 A1.

Boulos et al. teach a grey glass composition having overlapping ranges of components as recited in instant claims 1, 2, 4, 5, 7, 13-17, 19, 25-28, and 30. See Abstract and paragraphs

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[0007] and [0010]-[0012]. Boulos et al. teach a grey glass composition having overlapping ranges of redox ratio, transmittances for Illuminant A, ultraviolet, infrared, and total solar lights, dominant wavelength, and excitation purity as recited in instant claims 1-3, 5, 6, 8, 10-15, 17, 18, 20, 22-26, 28, 29, and 31. See Abstract and paragraphs [0008], [0009], and [0019].

Boulos et al. fails to teach any examples or compositional ranges that are sufficiently specific to anticipate the compositional and property limitations of claims 1-8, 10-20, and 22-31. However, overlapping ranges have been held to establish prima facie obviousness. See MPEP 2144.05.

One of ordinary skill in the art would expect that a glass with overlapping compositional ranges would have the same color characterization as recited in claims 12 and 24.

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have selected from the overlapping portion of the ranges disclosed by the reference because overlapping ranges have been held to establish prima facie obviousness. See MPEP 2144.05.

Claims 1-8, 10-20, and 22-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Arbab et al., US Patent Application Publication U.S. 2004/0102304 A1.

Arbab et al. teach a grey glass composition having overlapping ranges of components as recited in instant claims 1, 2, 4, 5, 7, 9, 13-17, 19, 21, 25-28, and 30. See Abstract and paragraphs [0010], [0012], [0014], [0018], [0026], and [0031]. Arbab et al. teach a grey glass composition having overlapping ranges of redox ratio, transmittances for Illuminant A and total

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solar lights, dominant wavelength, and excitation purity as recited in instant claims 1-3, 5, 6, 8, 10-15, 17, 18, 20, 22-26, 28, 29, 31. See Abstract and paragraphs [0011]-[0012], and [0030].

Arbab et al. fails to teach any examples or compositional ranges that are sufficiently specific to anticipate the compositional and property limitations of claims 1-31. However, overlapping ranges have been held to establish prima facie obviousness. See MPEP 2144.05.

One of ordinary skill in the art would expect that a glass with overlapping compositional ranges would have the same infrared and ultraviolet transmittance and color characterization as recited in claims 13, 14, and 22-25.

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have selected from the overlapping portion of the ranges disclosed by the reference because overlapping ranges have been held to establish prima facie obviousness. See MPEP 2144.05.

### ***Conclusion***

The additional references cited on the 892 have been cited as art of interest since they are considered to be cumulative to or less than the art relied upon in the rejections above.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Elizabeth A. Bolden whose telephone number is 571-272-1363. The examiner can normally be reached on 9:30 am-6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jerry Lorengo can be reached on 571-272-1233. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

EAB  
21 March 2005

  
**KARL GROUP  
PRIMARY EXAMINER  
GROUP**